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10/070,587

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Leszek Wojnowski

VOS-30

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1473 7590 04/13/2009

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EXAMINER

FETTEROLF, BRANDON J

ART UNIT

PAPER NUMBER

1642

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 1642

## **DETAILED ACTION**

### ***Response to the Amendment***

The Amendment filed on 03/25/2009 in response to the previous Final Office Action (10/20/2004) is acknowledged, but has not been entered because the amendment raises new issues that would require further consideration and/or search. For example, Claim 1 has been amended to recite that the nucleotide sequence of SEQ ID NO: 90 comprises an "A" at position 21 of SEQ NO: 90, and also, that the amino acid sequence of SEQ ID NO: 155 has an isoleucine at position 21 of SEQ IDNO: 155. However, these limitations have never been previously searched with respect to the art or considered with respect to 112 1st and 2nd paragraphs.

Claims 1, 4-8, 12-13, 37, 39-41 are currently pending.

Claims 1C and 41(a)-(e) and (k)-(p) are withdrawn from consideration as being drawn to non-elected inventions. (see below for an explanation)

Claims 1 (a)-(b) and (d), 4-8, 12-13, 37, 39-41 (f)-(j) are under consideration.

### **Rejections Maintained:**

Since Applicants arguments appear to be solely drawn to the non-entered amendment, such arguments have not been considered. As such, the following rejections are maintained:

Claims 1, 4-8, 12-13 and 39-40 remain rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

### ***Conclusion***

Claims 37 and 41 (f)-(j) appear to be free of the prior art and are in condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. FETTEROLF whose telephone number is (571)272-2919. The examiner can normally be reached on Monday through Friday from 7:30 to 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on 571-272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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